

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FOREST LABORATORIES, INC.,)	
FOREST LABORATORIES HOLDINGS,)	
LTD., and MERZ PHARMA GMBH & CO.)	
KGAA, MERZ PHARMACEUTICALS)	
GMBH,)	
)	
Plaintiffs,)	C.A. No. 08-022 (GMS) (LPS)
)	
v.)	
)	
PLIVA D.D., PLIVA-HRVATSKA D.O.O.,)	
BARR LABORATORIES, INC. and BARR)	
PHARMACEUTICALS, INC.,)	
)	
Defendants.)	

**PLAINTIFFS' REPLY TO DEFENDANTS PLIVA-HRVATSKA D.O.O.'S
AND BARR LABORATORIES, INC.'S COUNTERCLAIMS**

Plaintiffs Forest Laboratories, Inc. and Forest Laboratories Holdings, Ltd. (collectively "Forest") and Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH (collectively "Merz"), for their Reply to the numbered paragraphs of the Counterclaims of Defendants PLIVA-Hrvatska d.o.o. and Barr Laboratories, Inc. (collectively "Defendants") (D.I. 18) hereby allege as follows:

- 32. Admitted.
- 33. Admitted.
- 34. Admitted, upon information and belief.
- 35. Admitted, upon information and belief.
- 36. Admitted.
- 37. Admitted.
- 38. Admitted.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

43. Admitted.

44. Admitted.

45. Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the averments.

46. Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the averments.

47. Admitted that in a letter dated December 7, 2007, Barr Laboratories, Inc. notified Forest and Merz that the FDA had received an ANDA with such a certification and that the letter was delivered to Forest and Merz on or about December 10, 2007; otherwise denied.

48. Admitted that in a letter dated January 15, 2008, PLIVA-Hrvatska d.o.o. and Barr Laboratories, Inc. sent Forest and Merz a revised notice letter with such a certification, and that the letter was delivered to Forest and Merz on or about January 16, 2008; otherwise denied.

49. – 103. There are no paragraphs 49-103 in the Counterclaims.

104. Denied.

105. Denied.

106. Denied.

DEMAND FOR JUDGMENT

Wherefore, Plaintiffs deny that Defendants are entitled to any relief, either as prayed for in its Counterclaims or otherwise.

Plaintiffs further deny each allegation contained in Defendants' Counterclaims that was not specifically admitted, denied, or otherwise responded to in this Reply to Defendants PLIVA-Hrvatska d.o.o.'s and Barr Laboratories, Inc.'s Counterclaims.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



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March 26, 2008

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:.

Richard L. Horwitz
David E. Moore
POTTER ANDERSON & CORROON LLP

I further certify that I caused to be served copies of the foregoing document on March 26, 2008 upon the following in the manner indicated:

Richard L. Horwitz, Esquire
David E. Moore, Esquire
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*VIA ELECTRONIC MAIL
and HAND DELIVERY*

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